

REMARKS

I. Claim objection

Claim 1 was objected to for informalities. Two typographical errors pointed out by the Office Action have been corrected. Applicants appreciate the Office Action pointing out the informalities.

II. Rejection to Claim 1 under 35 U.S.C. § 112, First Paragraph

Claim 1 stands rejected with regard to the feature “according to a task” as being a broad feature. New claim 33 has been added for purposes of claim differentiation and to include some examples of a “task”. Support for the new claim is found in the specification, for example, at page 3, lines 14-15. Therefore, applicants respectfully request that the rejection to claim 1 be withdrawn.

Claims 3-5 stand rejected with regard to the feature storing a key allegedly lacking functionality. Claim 3 has been amended to include the feature that the authentication-key allows authorized access to the network. Support for the amendment is found, for example, on page 7, lines 17-18. Claims 4-5 depend from claim 3 as amended. Therefore, applicants respectfully request that the rejection to claims 3-5 be withdrawn. Claim 23, which has a feature similar to claim 3, has also been amended.

III. Rejection under 35 U.S.C. § 102(b)

Claims 1, 2, 6-8, 21, 22 and 26-28 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,557,748 to Norris.

Norris relates to the networking of computer systems. A dynamic network configuration in a computer 100 records and analyzes network transactions when connecting a computer to a network, such as networks 160 or 200. The computer 100 of Norris gathers network traffic data. Devices on the network that can cause traffic include servers 210 and 250, clients 215 and 230, a printer 220 and a router 235 (see Fig. 3). The computer 100 includes a dynamic network configuration 101. Col. 5, ll. 42-43. The dynamic network configuration 101 is configured to support a number of computer network protocols. Col. 3, ll. 55-57 and Fig. 2. The computer 100 includes a driver 145 and a LAN interface 150 in order to interface the dynamic network configuration 101 on the computer 100 to the network 160 or 200, to determine traffic on the network. Col. 4, ll. 13-16 and Fig. 3.

Regarding independent claims 1 and 21 as amended, Norris does not disclose or suggest at least the claimed communication device “configured to select at least one of the available

network-access measures according to a task that the communication device performs". The computer system of Norris selects network protocol stacks to permit the dynamic network configuration 101 based on the particular location of the network, not, as claimed, according to a task that a communication device performs. See Col. 4, ll. 6-10.

Moreover, the system of Norris does not disclose or suggest the claimed "a server located remotely from the communication device, the server being operable to connect to the communication device to provide the communication device with available network-access measures". Support for the claim amendment can be found in the figures and also, for example, the first paragraph of the detailed description. The first paragraph states that the server is located at one or more locations and can be accessed by wireless, wireline or cellular communications. The computer Norris uses what they refer to as a dynamic network configuration 101 to permit a dynamic configuration of network parameters when connecting to a network. But the dynamic network configuration 101 of Norris is stored on the computer, and it is not located remotely. Therefore, Norris does not disclose or suggest both the claimed 'communication device' and 'a server located remotely from the communication device'.

Accordingly, Applicants respectfully request the Examiner to withdraw the rejections to claims 1 and 21. Moreover, claims 2 and 6-8 depend from claim 1 and claims 22 and 26-28 depend from claim 21, either directly or indirectly, and therefore include all of the features of the respective independent claims, plus addition features. For at least this reason, Applicants respectfully request that the rejection to these claims also be withdrawn.

IV. Rejection to claims 3-5 and 23-25 under 35 U.S.C. § 103

Claims 3-5 and 23-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Norris in view of U.S. Patent No. 6,047,051 to Ginzboorg et al.

Ginzboorg discloses a method of charging in a telecommunications system. The telecommunications system includes customer terminals used by customers for ordering services and servers for providing services to customers. If the customer terminals are cable TV network terminals, a billing server gives the customer terminals the first key, which it has received from the server providing service. See Col. 14, lines 45-49. The billing server asks customers for a payment by sending the key. Sending the first key can act as a proposal for an on-line contract from the side of the system. See Col. 14, lines 50-67.

Neither Norris nor Ginzboorg et al., alone or in combination, disclose or suggest at least the claimed communication device "configured to select at least one of the available network-

access measures according to a task that the communication device performs”. Moreover, neither Norris nor Ginzboorg et al., alone or in combination , disclose or suggest, at least the claimed “server located remotely from the communication device, the server being operable to connect to the communication device to provide the communication device with available network-access measures”.

For at least these reasons, Applicants respectfully request that the rejection to claims 3-5 and 23-25 be withdrawn.

V. Rejection to claims 9, 15 and 16 under 35 U.S.C. § 103

Claims 9, 15 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Norris in view of U.S. Patent No. 6,721,578 to Minear.

Minear discloses a system for displaying an interactive screen, such as an end-user license agreement or verification form, on the graphic display of a wireless device when the wireless device connects to a network server on a wireless network and attempts to access or download software applications and data. The user of the wireless device must then affirmatively interact with the interactive screen in order to access or download a software application or data from the network server. The interactive screen can be transmitted from the network server where the wireless device seeks to access or download an application or data, or can be transmitted from a separate server to the wireless device.

Neither Norris nor Minear, alone or in combination, disclose or suggest at least the claimed communication device “configured to select at least one of the available network-access measures according to a task that the communication device performs”. Moreover, neither Norris nor Minear, alone or in combination , disclose or suggest, at least the claimed “server located remotely from the communication device, the server being operable to connect to the communication device to provide the communication device with available network-access measures”. The system of Minear downloads software applications or data for license agreements, not the claimed network-access measures.

For at least these reasons, Applicants respectfully request that the rejection to claims 9, 15 and 16 be withdrawn.

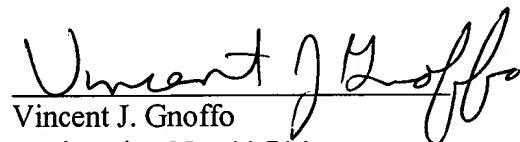
VI. Claims 29-32

The Office Action did not give specific reasons for rejecting claims 29-32. Claims 29-32 are patentable, for at least the reasons discussed above.

CONCLUSION

In view of the arguments above, pending Claims 1-9, 15-16 and 21-32 are patentable. Applicant respectfully requests the Examiner to grant early allowance of this application. If for any reason, the Examiner is unable to allow the application in the next Office Action and believes that an interview would be helpful to resolve any remaining issues, he is respectfully requested to contact the undersigned attorneys at (312) 321-4200.

Respectfully submitted,


Vincent J. Gnoffo
Registration No. 44,714
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200